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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,513	06/27/2001	Paul D. Franke	1762-010921	4133
28289 7590 03/06/2007 THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			EXAMINER SIDDIQI, MOHAMMAD A	
			ART UNIT	PAPER NUMBER
			2154	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/06/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/869,513	FRANKE, PAUL D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mohammad A. Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-43 are presented for examination. Claim 43 is new.

#### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-43 provisionally rejected under the judicially created doctrine of double patenting over claims 1-158 of copending Application No. 09/809595. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

4. "A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious

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over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (Affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Independent claim 40 and their dependent claims are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result. The various steps conversion, substituting, recording and searching are software

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constructs (software per se) performing various functionalities. These functionalities do not manipulate any hardware or tangible entity. Therefore, these software constructs are non statutory entities as detailed in MPEP 2106.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Salesky et al. (6,343,313) (hereinafter Salesky).

9. As per claim 1, Salesky discloses method for conducting, augmenting or any combination thereof at least one convention, by facilitating the exchange between at least one meeting planner client and at least one attendee client, the method comprising the steps of:

a. receiving (col 29, lines 62-63), from the at least one meeting planner client (potential conferee, col 30, lines 15-24), and electronically storing in convention databases at a central website server (14, fig 1; col 9, lines 64-67, col 30, lines 15-24), convention content information for a plurality of conventions (record a session for later playback, col 24, lines 66-67 – col 35, lines 1-10, and col 29, lines 34-37, several meetings);

b. receiving at the central website server from the at least one attendee client (17, 14, fig 2, col 8, lines 34-41) a selection for convention content information of one convention from the plurality of conventions (col 8, lines 34-45); and

c. processing the selection at the central website server by computer software program instructions (14, fig 1) configured to create content (col 1, lines 49-64) or use in a virtual convention venue, a physical convention venue, a convention activity or any combination thereof (col 2, lines 1-28); and

d. releasing from the central website server to the at least one attendee client the selected convention content information (record presentation or lecture or video-mail, 17, 14, fig 2, col 7, lines 10-20; col 8, lines 34-45, server provides information that allows attendee client conferencing software to start and connect to the conference).

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10. As per claim 2, Salesky discloses at least one meeting planner client is a plurality of meeting planner clients (col 30, lines 15-24 and col 8, lines 35-45).

11. As per claim 3, Salesky discloses at least one attendee client is a plurality of attendee clients (8, lines 35-45).

12. As per claim 4, Salesky discloses the convention content information is cyber-based (8, lines 35-45, WWW browser).

13. As per claim 5, Salesky discloses the convention content information is one of either cyber-based or venue-based (8, lines 35-45, WWW browser).

14. As per claim 6, Salesky discloses the step of storing in a relational database cross-referencing fields from the meeting planner client to allow for the holding of an unlimited number of conventions (col 29, lines 34-41 and col 30, lines 15-30).

15. As per claim 7, Salesky discloses prior to step b); the steps of receiving at the central website server a search request from the attendee client for certain convention content information and releasing to the



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attendee client information satisfying the search request (17,14, fig 2, col 8, lines 35-45, server provides information that allows attendee client conferencing software to start and connect to the conference).

16. As per claim 8, Salesky discloses the steps of receiving at the central website server from the attendee client information necessary to register for the convention (col 8, lines 34-36, being told).

17. As per claim 9, Salesky discloses the step of using attendee client information to alert attendee clients of future conventions that may be of interest to them (col 8, lines 34-36, being told).

18. As per claim 10, Salesky discloses the step of receiving at the central website server, from at least one exhibitor client, convention search, selection and registration information for at least one convention (col 8, lines 30-35, presenter and attendee client, conference listing).

19. As per claim 11, Salesky discloses at least one exhibitor client is a plurality of exhibitor clients (col 8, lines 30-35, presenter and attendee client, conference listing).

20. As per claim 12, Salesky discloses step of storing cross-referencing fields from the convention content information in a relational database to allow an unlimited number of exhibitor clients (col 29, lines 34-41 and col 30, lines 15-30).

21. As per claim 13, Salesky discloses the step of receiving at the central website server from the meeting planner client session content information (14,17, fig 2, col 8, lines 45-54).

22. As per claim 14, Salesky discloses the steps of receiving at the central website server a request for certain client session content information from the attendee client for and releasing to the attendee client information satisfying the search request (14,17, fig 2, col 8, lines 45-54).

23. As per claim 15, Salesky discloses the session content information is cyber-based (col 8, line 39, WWW browser).

24. As per claim 16, Salesky discloses the session content information is one of either cyber-based or venue-based (col 8, line 39, WWW browser).

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25. As per claim 17, Salesky discloses the step of providing attendee client participation in the session (fig 8B, col 8, lines 55-57).

26. As per claim 18, Salesky discloses the step of receiving at the central website server a search request from the attendee client for session information and releasing to the attendee client such information (14,17, fig 2, col 8, lines 30-35).

27. As per claim 19, Salesky discloses the step of receiving at the central website server from the attendee client information necessary to register for the session (14,17, fig 2, col 8, lines 30-37, finding or being told).

28. As per claim 20, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses exhibit booth design (66, 68, fig 3, col 11, lines 13-18, and lines 55-59, booths are created by graphics).

29. As per claim 21, the claim is rejected for the same reasons as claims 1, 4, and 20 above.

30. As per claim 22, the claim is rejected for the same reasons as claims 1, 8, and 20 above.

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31. As per claim 23-27, claims are rejected for the same reasons as claims 1 and 20, above.

32. As per claim 28, Salesky discloses the step of receiving at the central website server from the meeting planner paper presentation content information (col 7, lines -17, lecture).

33. As per claim 29, Salesky discloses the paper presentation content information is cyber-based (col 8, line 39, WWW browser).

34. As per claim 30, Salesky discloses the paper presentation content information is one of either cyber-based or venue-based (col 8, line 39, WWW browser).

35. As per claim 31, Salesky discloses the step of releasing to the attendee client paper presentation content information (col 7, lines -17, lecture).

36. As per claim 32, Salesky discloses the step of receiving at the central website server from the meeting planner meeting proceedings content information (col 7, lines -17, lecture).

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37. As per claim 33, Salesky discloses the meeting proceedings content information is cyber-based (col 8, line 39, WWW browser).

38. As per claim 34, Salesky discloses the meeting proceedings content information is one of either cyber-based or venue-based (col 8, line 39, WWW browser).

39. As per claim 35, Salesky discloses the step of releasing to the attendee client meeting proceedings content information (col 8, lines 30-35, presenter and attendee client, conference listing).

40. As per claim 36, Salesky discloses the step of receiving at the central website server from the meeting planner cyber broadcast content information (col 7, lines 15-20).

41. As per claim 37, Salesky discloses the step of releasing to the attendee client cyber broadcast content information (col 7, lines 10-20).

42. As per claim 38, Salesky discloses a plurality of conventions are facilitated from the central website server (14,17, fig 2, col 8, lines 30-40).

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43. As per claim 39, Salesky discloses the claim is rejected for the same reasons as claim 1, above. In addition Salesky teaches c) receiving at the central website server from the attendee client information necessary to register for the convention (col 8, lines 30-35, setup is performed via WWW)

44. As per claim 40, the claim is rejected for the same reasons as claim 1, above.

45. As per claim 41, the claim is rejected for the same reasons as claim 10, above.

46. As per claim 42, the claim is rejected for the same reasons as claim 20, above.

47. As per claim 43, Salesky discloses the step of receiving, at the central website server from the meeting planner client, convention and visitors bureau information (fig 2, col 8, lines 30-40).

***Response to Arguments***

48. Applicant's arguments filed 12/04/2006 have been fully considered but they are not persuasive, therefore rejections to claims 1-42 is maintained.

49. Applicant's arguments with respect to claims 1, 39, and 40 have been considered but are moot in view of the new ground(s) of rejection.

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MAS